

Notice of Allowability

Application No.

10/801,735

Examiner

Tam Nguyen

Applicant(s)

BARROWS, STACY

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amednment received 5-15-06.
2. ☒ The allowed claim(s) is/are 4,6,8-17,23 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6-19-06.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEROME DONNELLY
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael D. Harris on July 19, 2006.

1. The application has been amended as follows:

In the claims:

Claims 18-20, 22 and 25 are canceled.

Claim 4, on line 2, delete "of" after "and".

Claim 9, on lines 3-4, delete "and a length in the direction of the axis,"

Claim 9, on lines 8-9, delete "being sufficiently curved to allow" and insert --allowing--

Claim 9, on lines 10-11, delete "the roller having length in the direction of the axis,

Claim 8, on line 2, delete "on the top or bottom surfaces." And insert --on the first or second portions.--

Claim 14, on line 1, delete "of claim 14" and insert --of claim 13--

Claim 15, on line 5, delete "a" after "into"

Claim 15, on lines 6-10, delete "first means for returning the roller to a first longitudinal line along the first surface when a force applied to the roller is released, second means for returning the roller to a second longitudinal line along the second surface when a force applied to the roller is released, wherein" and insert --wherein the curved surfaces

Art Unit: 3764

causes the roller to either return to rest at a first longitudinal point of contact along the first curved surface or a second longitudinal point of contact along the second curved surface when a force applied to the roller is released, and--

Claim 15, on line 11, insert --curved-- after "second"

Claim 23, delete lines 1-5 (every line) and insert

--23. An exercise device comprising an elongated roller formed of a compressible material, a wholly convex outer surface, a longitudinal axis and a length in the direction of the axis, a curved first surface on one side of the axis, the first surface having a first curvature with a first radius of curvature and a center and a curved second surface on the other side of the axis, the second surface having a second curvature with a second radius of curvature and center, the first curvature being different than the second curvature, the length being substantially greater than the maximum distance between the first surface of the roller and the second surface of the roller, and the maximum distance between the first and second surfaces of the roller being at least as great as half the distance between the centers of the first and second surfaces wherein the first curvature is circular and the second curvature is circular and the radius of the curvature of the surface being different from the radius of curvature of the second surface.--

Claim 24, on lines 2-3, insert --longitudinal-- before "axis"

Claim 24, on line 13, delete "and second surfaces" and insert --and second surfaces wherein the first surface has a first axis about which the first surface is formed and the second surface has a second axis about which the second surface is formed, and

Art Unit: 3764

wherein the distance from the second axis to the second surface is greater than the minimum distance from the first axis to the second surface.--

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 19, 2006

JEROME DONNELLY
PRIMARY EXAMINER

